Special Category Cases

Special Categories

- Military Whistleblower Reprisal
- Senior Officials
- Civilian Reprisal
- Equal Opportunity
- Equal Employment Opportunity
- DADT Repeal
- Criminal
- Media Matters
- Mental Health Evaluation Referrals

Senior Official Complaints

Definition

Any allegation against a General Officer, SES
BGen select, or presidential appointee

What's your role?

Immediately notify IGMC

Why?

IGMC has sole authority over Senior Official
Investigations

Civilian Reprisal Complaints

Appropriated Fund Employees

5 USC 2302 (b)(8)

Refer to Office of Special Counsel (1-800-872-9855)

Non-Appropriated Fund Employees/Applicants

DoD Directive 1401.3

Refer to DODIG Hotline (1-800-242-9098)

Contractor Employees

10 USC 2409

Refer to DoDIG Hotline (1-800-242-9098)

EO Complaints

- Equal Opportunity - Military
  - Sexual Harassment Allegations
  - Discrimination Allegations
- CIG Role
  - Refer to Equal Opportunity (EO) Office
  - EXCEPTION: allegations against Senior Officials
    - Report to IGMC
    - IGMC investigates

EEO Complaints

- Equal Employment Opportunity - Civilians
  - Sexual Harassment Allegations
  - Discrimination Allegations
- CIG Role
  - Refer to Equal Employment Opportunity (EEO) Office
    - EXCEPTION: allegations against Senior Officials Report to IGMC – IGMC investigates

DADT Repeal

No monthly reporting requirement to IGMC

Investigate the allegation NOT orientation

Criminal Complaints

Contact NCIS, PMO, CID to refer or obtain declination

Contact subject's command for possible JAGMAN or Command Investigation

Maintain case in open status until investigation is completed

Media Matters

- Internet Postings
  - Facebook
  - Blogs and Web pages
- Twitter
- Sexting
- Report to IGMC events and incidents likely to attract media interest!

Mental Health Evaluation (MHE) Referrals

DoDI 6490.1 - *Mental Health Evaluations of Members of the Armed Forces*, 1 Oct 97 and 4 Mar 2013

IGDG 7050.6 - *Guide to Investigating Reprisal and Improper Referrals for Mental Health Evaluations*, 6 Feb 96 (update pending)

DoDI 6490.4

Does not apply to:

- Voluntary self-referrals
- Required pre and post deployment assessments
- Responsibility/competency inquiries for CM
- Family Advocacy Program interviews
- Drug/Alcohol abuse rehab programs
- Clinical referrals by healthcare providers w/consent
- Evaluations under law enforcement or corrections procedures
- Evaluations for Special duties or occupations

What is a MHE?

DODI 6490.04 defines MHE as:

A psychiatric examination or evaluation, a psychological examination or evaluation, an examination for psychiatric or psychological fitness for duty, or any other means of assessing the mental health of a Service member.

MHE Referral

Who has the authority to refer a Service member for an Involuntary MHE under the new rule?

Commanders

and

Supervisors

MHE Referral

A Supervisor is:

A commissioned officer within or out of a Service member's official chain of command, or a civilian employee in a grade comparable to a commissioned officer, who

exercises supervisory authority over the member; and

is authorized due to the impracticality of involving the commanding officer.

Non-Emergency Referrals

Commanders and supervisors who in good faith believe a subordinate Service member may require a MHE are authorized to direct an evaluation

A command directed MHE is the same as any other military order

A command directed MHE can only be initiated by the commander or supervisor

Non-Emergency Referrals

Explain that there is no stigma associated with obtaining mental health services

Provide the member the name and contact info of the mental health provider

Inform the member the date, time, and place of the MHE

What is not required anymore:

- A written memo
- Right to contact an IG and/or attorney
- 2 business days between notice and MHE

Emergency Referrals

Any situation in which a Service member is found or determined to be a risk for harm to self or others.

Commanders/Supervisors will refer a Service member for an emergency MHE as soon as practicable whenever:

A member, by actions or words, such as actual, attempted, or threatened violence, intends or is likely to cause serious injury to himself or others

When the facts and circumstances indicate the member’s intent to cause such injury is likely

When the commanding officer believes the member may be suffering from a severe mental disorder

Emergency Referrals

Protect the safety of the member and others

Communicate to the mental health provider the circumstances and observations that led to the referral prior to or during transport

What is not required anymore:

Memo outlining the member's rights and reasons for the referral

Oral communication is sufficient

MHE Findings and Recommendations

Mental Health Providers advise commander/supervisor

Information and recommendations to understand the member's condition in order to make reasoned decisions about safety, duties, and medical care requirements

How the commander/supervisor can assist member's treatment

Member's fitness and suitability for continued service and whether separation from Service is recommended

Rights of the Service Member

The member has the right, as soon as condition permits, after admission, to contact:

- A relative
- A friend
- A Chaplain
- An Attorney
- An IG
- Anyone else the member chooses

CIG Role in MHE

Receive and analyze complaints from Service members that allege a command-directed MHE was conducted in reprisal for a protected communication

DoDIG, IGMC and CIG may still receive complaints about procedural errors but those can be referred to the command and do not require IG involvement

Special Category Cases

QUESTIONS?